

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

KATHLEEN RIZZO,

Plaintiff,

v.

Case No: 2:20-cv-390-SPC-MRM

GLADES GOLF & COUNTRY
CLUB, INC., MAYOR
CONSTRUCTION OF NAPLES,
CORP. and COASTAL
PAINTING OF SOUTH
FLORIDA, LLC,

Defendants.

_____ /

OPINION AND ORDER¹

Before the Court is a *sua sponte* review of the case. Rizzo filed a notice of acceptance of Defendant Mayor Construction of Naples, Corp.'s Offer of Judgment dated February 1, 2021. (Doc. 40). [Federal Rule of Civil Procedure 68\(a\)](#) provides that “within 14 days after being served, the opposing party serves written notice accepting the offer, either party may then file the offer and notice of acceptance, plus proof of service. The clerk must then enter

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judgment.” Though Rizzo filed written notice accepting the offer, the Clerk needs the offer to enter judgment.


In addition, it appears Glades Golf & Country Club, Inc. has not applied for a default within 28 days of Coastal Painting’s failure to plead or otherwise defend against the crossclaim. If that is the case, Glades Golf & Country Club must move for a default. Alternatively, Coastal Painting can answer the crossclaim.

Accordingly, it is now

ORDERED:

1. **On or before May 14, 2021**, either Rizzo or Mayor Construction of Naples must file the offer.
2. **On or before May 14, 2021**, Glades Golf & Country Club must move for a default. Alternatively, Coastal Painting can file its answer.

DONE and ORDERED in Fort Myers, Florida on May 7, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record